

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

**Vs.**

**Defendant.**

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dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved.

LCvR 7.1(B). Second, the motion seeks issuance by this court of its *own* subpoena, arguing that Charter has failed to heed defendant's subpoena. While the subpoena defendant issued has counsel's signature at the bottom, such was issued from this court, Fed.R.Civ.P. 45(a)(2)(C), and by the Clerk of this court. Fed.R.Civ.P. 45(a)(3). There simply is no provision for a federal judge to issue his or her own subpoena on behalf of a party. Put another way, a subpoena is no potent when a judge signs it rather than an authorized attorney.

Defendant has two options at this point: if its subpoena has not been properly complied with, it can move the court to hold the deponent in contempt under Rule 45(e); or the normal process can be followed, in which the recipient of a subpoena files a motion to quash.

Finally, this court is without authority at this point to compel a non-party to this litigation to sign a release. Defendant has failed to cite any authority in support of her request that this court compel a non-party to sign a release. Counsel is advised that the Local Civil Rules also require the filing of a brief in support of a motion. LCvR 7.1(C).

## **ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion for Issuance of Subpoena (#13) is **DENIED** without prejudice.

Signed: May 6, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

